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**Subject:** Fw: Activity in Case 3:01-cv-00640-RE National Wildlife Federation et al v. National Marine Fisheries Service et al Order on motion for summary judgment  
**Date:** Tuesday, April 25, 2017 11:26:55 AM  
**Attachments:** [ecblank.gif](#)  
[2011.MSJ Opinion and Order.FCRPS.pdf](#)

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----- Forwarded by Marylou Soscia/R10/USEPA/US on 04/25/2017 11:26 AM -----

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Date: 08/02/2011 03:40 PM  
Subject: Fwd: FW: Activity in Case 3:01-cv-00640-RE National Wildlife Federation et al v. National Marine Fisheries Service et al Order on motion for summary judgment

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A conference call for FCRPS execs and invited staff has been scheduled for 4:00 PM (PST) this afternoon to discuss the order issued by Judge Redden. Please advise whether your exec is available for a call at 4:00.

Call in information:

Phone: (b) (6)  
Passcode: (b) (6)

----- Original Message -----

Subject:FW: Activity in Case 3:01-cv-00640-RE National Wildlife Federation et al v. National Marine Fisheries Service et al Order on motion for summary judgment

Date:Tue, 02 Aug 2011 16:09:00 -0400

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All – Judge Redden just issued an opinion and order on our cross motions for summary judgment. I have not read it, but we did not win.

**From:** [info@ord.uscourts.gov](mailto:info@ord.uscourts.gov) [<mailto:info@ord.uscourts.gov>]

**Sent:** Tuesday, August 02, 2011 12:57 PM

**To:** [nobody@ord.uscourts.gov](mailto:nobody@ord.uscourts.gov)

**Subject:** Activity in Case 3:01-cv-00640-RE National Wildlife Federation et al v. National Marine Fisheries Service et al Order on motion for summary judgment

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**U.S. District Court**

**District of Oregon**

### **Notice of Electronic Filing**

The following transaction was entered on 8/2/2011 at 12:57 PM PDT and filed on 8/2/2011

**Case Name:** National Wildlife Federation et al v. National Marine Fisheries Service et al

**Case Number:** [3:01-cv-00640-RE](#)

**Filer:**

**Document** [1855](#)

**Number:**

**Docket Text:**

**OPINION AND ORDER:** For the reasons set forth in the attached Opinion and Order, I DENY Federal Defendants' Cross-Motion for Summary Judgment [1556], and Supplemental Cross-Motion for Summary Judgment [1805], Northwest River Partners' Motion for Summary Judgment [1539]; Confederated Salish and Kootenai Tribes' Joint and Cross-Motions for Summary Judgment [1542] and [1551]; and Washington's and Idaho's Cross-Motion for Summary Judgment [1553], and Supplemental Motion for Summary Judgment [1819]. I GRANT in part, and DENY in part, NWF's Motion for Summary Judgment [1498], and Supplemental Motion for Summary Judgment [1793], and Oregon's Motion for Summary Judgment [1507], and Supplemental Motion for Summary Judgment [1801]. Additionally, I REMAND the 2008/2010 BiOp to NOAA Fisheries for reconsideration consistent with this order. The 2008/2010 BiOp and the accompanying incidental take statement shall stay in place through the end of 2013. No later than January 1, 2014, NOAA Fisheries shall produce a new or supplemental BiOp. During the remand period, Federal Defendants shall fund and implement all of the reasonable and prudent alternative actions set forth in the 2008/2010 BiOp, including the Memoranda of Agreement they have executed with the various sovereigns. In addition, Federal Defendants shall continue to collaborate with the sovereigns to develop mitigation actions to be included in the proposed action, and to develop data to support any proposed mitigation. Finally, I GRANT Plaintiff's Corrected Motion for Preliminary Injunction [1627] with respect to spill. Federal Defendants shall implement spring and summer spill operations in a manner consistent with this courts previous spill orders. I DENY Plaintiff's motion, however, with respect to flow augmentation and reservoir storage operations. To the extent possible, Federal Defendants shall operate the FCRPS to meet the flow augmentation objectives in the 2008/2010 BiOp. Signed on 8/2/2011 by Judge James A. Redden. Associated Cases: 3:01-cv-00640-RE, 3:05-cv-00023-RE (js)

**Case Name:** Columbia Snake River Irrigators Association et al v.  
Evans et al

**Case Number:** [3:05-cv-00023-RE](#)

**Filer:**

**WARNING: CASE CLOSED on 06/30/2005**

**Document Number:** [923](#)

**Docket Text:**

**OPINION AND ORDER:** For the reasons set forth in the attached Opinion and Order, I DENY Federal Defendants' Cross-Motion for Summary Judgment [1556], and Supplemental Cross-Motion for Summary Judgment [1805], Northwest River Partners' Motion for Summary Judgment [1539]; Confederated Salish and Kootenai Tribes' Joint and Cross-Motions for Summary Judgment [1542] and [1551]; and Washington's and Idaho's Cross-Motion for Summary Judgment [1553], and Supplemental Motion for Summary Judgment [1819]. I GRANT in part, and DENY in part, NWF's Motion for Summary Judgment [1498], and Supplemental Motion for Summary Judgment [1793], and Oregon's Motion for Summary Judgment [1507], and Supplemental Motion for Summary Judgment [1801]. Additionally, I REMAND the 2008/2010 BiOp to NOAA

**Fisheries for reconsideration consistent with this order. The 2008/2010 BiOp and the accompanying incidental take statement shall stay in place through the end of 2013. No later than January 1, 2014, NOAA Fisheries shall produce a new or supplemental BiOp. During the remand period, Federal Defendants shall fund and implement all of the reasonable and prudent alternative actions set forth in the 2008/2010 BiOp, including the Memoranda of Agreement they have executed with the various sovereigns. In addition, Federal Defendants shall continue to collaborate with the sovereigns to develop mitigation actions to be included in the proposed action, and to develop data to support any proposed mitigation. Finally, I GRANT Plaintiff's Corrected Motion for Preliminary Injunction [1627] with respect to spill. Federal Defendants shall implement spring and summer spill operations in a manner consistent with this courts previous spill orders. I DENY Plaintiff's motion, however, with respect to flow augmentation and reservoir storage operations. To the extent possible, Federal Defendants shall operate the FCRPS to meet the flow augmentation objectives in the 2008/2010 BiOp. Signed on 8/2/2011 by Judge James A. Redden. Associated Cases: 3:01-cv-00640-RE, 3:05-cv-00023-RE (js)**

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*(See attached file: 2011.MSJ Opinion and Order.FCRPS.pdf)*